



State of New Jersey
Department of Environmental Protection

Richard J. Codey
Acting Governor

Bradley M. Campbell
Commissioner

Land Use Regulation Program
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 292-8115
www.state.nj.us/dep/landuse

FEB 25 2005

Mr. Nicholas Clevett
RMT, Inc., Michigan
2025 E. Beltline Avenue SE, Suite 402
Grand Rapids, MI 49546

RE: Authorization for Freshwater Wetlands Statewide General Permit No. 4
File No.: 1439-04-0001.1 (FWW 040001)
Applicant: L.E. Carpenter & Company
Block: 301; Lot: 1
Block: 801; Lots: 3, 4, & 5
Wharton Borough, Morris County
Nearest Waterway: Rockaway River
Passaic River Basin

Dear Mr. Clevett:

The Land Use Regulation Program has reviewed the referenced application for a Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. **The proposed activity is authorized by Statewide General Permit No. 4**, which allows regulated activities in freshwater wetlands, transition areas and State open waters for the investigation, cleanup or removal of hazardous substances or pollutants, which are undertaken, authorized or otherwise expressly approved in writing by the Department of Environmental Protection (Department).

Limit of Authorized Disturbance

The approved plans are prepared by RMT, Inc., dated February 21, 2005, last revised February 21, 2005, and entitled:

"L.E. Carpenter, Wetland and Stream Encroachment Permit Applications, Wharton, New Jersey"

- "F3 - Wetland Impact Map", Sheet No. F3 of 7;**
- "F4 - Wetland Restoration Plan", Sheet No. F4 of 7;**
- "F5 - Construction Staging and Excavation Plan", Sheet No. F5 of 7;**
- "F6 - Final Grading Plan", Sheet No. F6 of 7;**
- "F7 - Details", Sheet No. F7 of 7**



Based on the approved plans, the authorized activity involves the disturbance of approximately 0.42 of an acre of freshwater wetlands and/or State open waters and approximately 0.19 acres of wetland transition areas for removal of contaminated soil and restoration of the disturbed areas. Any additional disturbance of freshwater wetlands, State open waters or transition areas besides that shown on the approved plans shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

Special Conditions

1. All regulated activities at this existing Superfund site must be in accordance with the requirements of the Department's Site Remediation Program and the United States Environmental Protection Agency, including any requirements contained within an approved Remedial Action Workplan.
2. In order to protect the trout maintenance and trout stocked waters of the Rockaway River, any proposed grading or construction activities within the banks of this river are prohibited between March 15 and June 15 of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse which could introduce sediment into said stream or which could cause an increase in the natural level of turbidity is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
3. All backfill soils shall consist of clean, suitable material free from toxic pollutants in toxic amounts.
4. In addition to restoration of the wetland transition area as shown on the approved plan entitled "F4- Wetland Restoration Plan", the applicant shall also restore an area of wetland transition area not currently shown on the plan. This area extends 50' from the wetlands on the Wharton Enterprise property. These wetlands are classified as Intermediate resource value. This additional wetland transition area is drawn on the attached map portion. The restoration of this additional area shall be consistent with the notes on Sheet No. F4 of 7.
5. The mitigation project must be conducted prior to or concurrent with the construction of the approved project.

6. Mitigate for the loss of 0.16 acres of emergent wetlands and 0.26 acres of forested and scrub/shrub wetlands through an on-site restoration project as shown on the plan entitled "F4 - Wetland Restoration Plan, L.E. Carpenter, Wetland and Stream Encroachment Permit Applications, Wharton, New Jersey", dated February 21, 2005, last revised February 21, 2005, and prepared by RMT, Inc. In the event there is a conflict between the permit conditions and the approved mitigation plan and proposal the permit conditions take precedent.
7. The permittee shall notify the Land Use Regulation Program, in writing, at least thirty (30) days in advance of the start of construction of the wetland mitigation project for an on-site pre-construction meeting between the permittee, the contractor, the consultant and the Program.
8. The mitigation designer must be present during critical stages of construction of the mitigation project this includes but is not limited to herbicide applications, sub-grade inspection, final grade inspection, and planting inspection to ensure the intent of the mitigation design and their predicted wetland hydrology is realized in the landscape. Mitigation designs are not static documents and changes may be necessary to ensure success of the project. It shall be the prerogative of the mitigation consultant to make changes to the design should field conditions warrant such action.
9. Immediately following final grading of the site, a disc must be run over the site to eliminate compaction. The mitigation designer must be present to oversee this phase of the project and confirm with the Department this activity has occurred prior to planting of the site.
10. Immediately following the final grading of the mitigation site and prior to planting, the permittee shall notify the Program for a post-grading construction meeting between the permittee, contractor, consultant and the Program. The permittee must give the Program at least thirty (30) days notice prior to the date of this meeting.
11. Within 30 days following the final grading and planting of the mitigation project, the permittee shall submit a final report to the Land Use Regulation Program. The final report shall contain, at a minimum, the following information:
 - a. A completed WETLAND MITIGATION PROJECT COMPLETION OF CONSTRUCTION FORM (attached) which certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished;
 - b. As built plans which depict final grade elevations at one foot contours and include a table of the species and quantities of vegetation that were planted including any grasses that may have been used for soil stabilization purposes;
 - c. Show on the as-built plans that the boundaries of the wetland mitigation area has been visibly marked with 3 inch white PVC pipe extending 4 feet above the ground surface. The stakes must remain on the site for the entire monitoring period;

- d. Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983;
 - e. To document that the required amount of soil has been placed/replaced over the entire area of the mitigation site, provide a minimum of 6 soil profile descriptions to a depth of 20 inches. The location of each soil profile description should be depicted on the as built plan as well as provide the GPS waypoints in NJ state plane coordinates NAD 1983;
 - f. Submit soil test results demonstrating at least 8% organic carbon content (by weight) was incorporated into the A-horizon for sandy soil and for all other soil types 12% organic content or if manmade top soil was used it consisted of equal volumes of organic and mineral materials;
 - g. The permittee shall post the mitigation area with several permanent signs, which identify the site as a wetland mitigation project and that mowing, cutting, dumping and draining of the property is prohibited; and
 - h. The sign must also state the name of the permittee, LURP permit number along with a contact name and phone number.
12. If the Program determines that the mitigation project is not constructed in conformance with the approved plan, the permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected. No financial surety will be released by the Program until the permittee demonstrates that the mitigation project is constructed in conformance with the approved plan, all soil has been stabilized and there is no active erosion.
13. The permittee shall monitor the mitigation project for 5 full growing seasons if it is a proposed forested or scrub/shrub wetland and 3 full growing seasons for an emergent wetland or State open water after the mitigation project has been constructed. The permittee shall submit monitoring reports to the Land Use Regulation Program no later than December 31st of each monitoring year (All monitoring reports must include the standard items identified in the attachment and the information requested below).
14. All monitoring report will include all the following information (see attached monitoring report checklist):
- a. All monitoring reports except the final one must include documentation that it is anticipated, based on field data, that the goals of the wetland mitigation project including the transition area, as stated in the approved wetland mitigation proposal and the permit will be satisfied. If the permittee is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed;
 - b. All monitoring reports except the final one must include field data to document that the site is progressing towards 85 percent survival and 85 percent area coverage of mitigation plantings or target hydrophytes (Target hydrophytes are non-invasive native species to the area and similar to ones identified on the mitigation planting plan). If the proposed plant community is a scrub/shrub or a forested wetland the permittee must also demonstrate each year with data that the woody species are thriving, increasing in stem density and height each year. If the field data shows that the mitigation project is failing to meet the vegetation survival, coverage and health goals, the monitoring

report should contain a discussion of steps that will be taken to rectify the problem, including a schedule of implementation;

- c. All monitoring reports except the final one must include documentation of any invasive or noxious species (see below for list of species) colonizing the site and how they are being eliminated. The permittee is required to eliminate either through hand-pulling, application of a pesticide or other Department approved method any occurrence of an invasive/noxious species on the mitigation site during the monitoring period;
 - d. All monitoring reports except the final one must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met. If the permittee is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed;
 - e. The final monitoring report must include documentation to demonstrate that the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. Documentation for this report will also include a field wetland delineation of the wetland mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);
 - f. The final monitoring report must include documentation the site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes. The permittee must also document that all plant species are healthy and thriving and if the proposed plant community contains trees demonstrate that the trees are at least five feet in height;
 - g. The final monitoring report must include documentation demonstrating the site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria lobata* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergi* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose);
 - h. The final monitoring report must include documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period; and
 - i. The final monitoring report must include documentation that the site contains hydric soils or there is evidence of reduction occurring in the soil throughout the delineated wetlands.
15. Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Program will make the finding that the mitigation project is either a

success or a failure. This mitigation project will be considered successful if the permittee demonstrates all of the following:

- a. That the goals of the wetland mitigation project including acreage and the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. The permittee must submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows the exact acreage of State open waters, emergent, scrub/shrub and/or forested wetlands in the mitigation area;
 - b. The site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan. All plant species in the mitigation area are healthy and thriving. All trees are at least five feet in height;
 - c. The site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria montana* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergi* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose);
 - d. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,
 - e. The proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied.
16. If the mitigation project is considered a failure, the permittee is required to submit a revised mitigation plan to rectify the wetland mitigation site. The plan shall be submitted within 60 days of receipt of the letter from the Program indicating the wetland mitigation project was a failure.
17. The permittee shall assume all liability for accomplishing corrective work should the Program determine that the compensatory mitigation has not been 100% satisfactory. Remedial work may include re-grading and/or replanting the mitigation site. This responsibility is incumbent upon the permittee until such time that the Department makes the finding that the mitigation project is successful.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A 4.3 and 5.4, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General Conditions:

18. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.

19. This permit is revocable in accordance with DEP regulations and State law.
20. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
21. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
22. No change in plans or specifications shall be made except with the prior written permission of the Department.
23. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
24. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.
25. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
26. The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Use Compliance and Enforcement, NJDEP, 401 East State Street, P.O. Box 422, Trenton, New Jersey 08625 with written notification 7 days prior to the start of the authorized work.
27. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

Transition Area

The wetlands affected by this permit authorization are of Ordinary and Intermediate resource value. The wetland located associated with the drainage channel located along the eastern side of the site are classified as Ordinary resource value. No standard transition area is required adjacent to Ordinary resource value wetlands. The wetlands located on the adjacent Wharton Enterprise property are classified as Intermediate resource value and have a standard required transition area or buffer of 50 feet. In addition, all of the wetlands are classified as priority wetlands by the United States Environmental Protection Agency since they drain into the Passaic River Basin. This General Permit includes a transition area waiver that allows encroachment only in that portion of the transition area that has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within the standard transition area shall require a separate transition area

waiver from the Program. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6.

Consistency with the Areawide Water Quality Management Plan

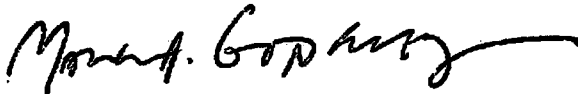
This project has not been reviewed for consistency with the relevant Water Quality Management Plan or Statewide Water Quality Management Planning Rules (N.J.A.C. 7:15). As such, there is no intended or implied approval regarding additional permits which may be required from the Department. For treatment works approvals, the consistency determination will be performed by the Bureau of Engineering and Permitting (North/South) which may be contacted at (609) 292-6894 for North (Middlesex, Hunterdon and Counties north) or (609) 633-1139 for South (Mercer, Monmouth and Counties south). For general information concerning the water quality management planning process, please contact the Division of Watershed Management at (609) 633-1179.

Appeal of Decision

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, P.O. Box 402, Trenton NJ 08625. This request must include a completed copy of the Administrative Hearing Request Checklist.

If you have any questions regarding this authorization, please contact Susan Michniewski of our staff at (609) 633-9277. Please reference the above file number.

Sincerely,



Mark A. Godfrey, Supervisor
Morris & Bergen Counties Region
Bureau of Inland Regulation

Attachments (map sketch, mitigation forms)

- c. Anthony Cinque, Site Remediation Program
- Jodale Legg, Land Use Regulation Program - Mitigation Unit
- Nadine White, Land Use Regulation Program
- Bureau of Coastal and Land Use Compliance and Enforcement
- Wharton Borough Clerk
- Wharton Borough Construction Official
- Wharton Borough Planning Board
- Wharton Borough Environmental Commission

WETLAND MITIGATION PROJECT COMPLETION OF CONSTRUCTION FORM

THE COMPLETION OF THIS FORM IS A REQUIREMENT OF THE NJDEP AUTHORIZATION OF A WETLAND MITIGATION PROJECT. THIRTY DAYS FOLLOWING THE COMPLETION OF CONSTRUCTION OF THE WETLAND MITIGATION PROJECT, COMPLETE THIS FORM AND INCLUDE IT WITH YOUR AS-BUILT MITIGATION REPORT. SEND ALL DOCUMENTS TO THE ADDRESS REFERENCED BELOW.

THE COMPLETION OF THIS FORM HEREBY CERTIFIES THAT I,

(PRINT NAME) (SIGNATURE) (DATE)

OF THE CONSULTING FIRM:

SUPERVISED THE CONSTRUCTION OF THE REFERENCED WETLAND/STATE OPEN WATER MITIGATION PROJECT, I WAS PRESENT DURING CRITICAL STAGES OF CONSTRUCTION TO CONFIRM THAT ALL CONDITIONS OF THE MITIGATION APPROVAL WERE ADHERED TO, THAT THE ANTICIPATED HYDROLOGY WAS ACHIEVED AND HEREBY CERTIFY THAT THE PROJECT WAS CONSTRUCTED IN CONFORMANCE WITH ALL NJDEP APPROVED PLANS AND SPECIFICATIONS CITED BELOW, INCLUDING FIELD ADJUSTMENTS AGREED UPON DURING ONSITE MEETINGS WITH NJDEP MITIGATION STAFF ON THE FOLLOWING DATES: _____.

PERMIT NUMBER (S) _____

ISSUANCE DATE _____

NAME OF PERMITTEE _____

PROJECT NAME _____

AS-BUILT SURVEY IS IDENTIFIED AS

ADDRESS OF FIRM _____

TELEPHONE # _____

E-MAIL ADDRESS _____

FAX # _____

SEND TO: STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION,
LAND USE REGULATION PROGRAM, P.O. BOX 439, TRENTON, NJ 08625, ATTN:
MITIGATION SECTION

mitcompletionform4-03

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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

MITIGATION PROJECT MONITORING REPORTS

CHECKLIST FOR COMPLETENESS

(4/03)

All mitigation sites must be monitored starting the first full growing season after the construction/planting of the mitigation project is completed. Depending on the type of wetlands being created, restored and/or enhanced, the mitigation project must be monitored for three to five full growing seasons. Monitoring information must be collected twice a year in the early spring and the fall. Below are the submission requirements for a complete monitoring report. Please read each section and check each area after you have fully completed the information for each applicable requirement.

Section A: All monitoring reports must include five copies of the following information

- ☐ 1. A USGS quad map, and a county road map showing the location of the mitigation site, including the lot and block of the mitigation site. Furthermore provide a copy of an aerial photograph of the mitigation site. This information must clearly indicate the point(s) of access to the mitigation site.
- ☐ 2. A copy of the permit that required the mitigation.
- ☐ 3. A brief description of the mitigation project.
- ☐ 4. Photographs of the mitigation site with a location map indicating where they were taken on the site.
- ☐ 5. A grid-sampling pattern must be set-up across the site. There should be sufficient samples taken to accurately assess the vegetation, hydrology and soil conditions across the entire mitigation site. The location of where the samples were collected must be provided in order for the Department to confirm the consultant's findings.
- ☐ 6. Data sheets from sampling points, which describe the vegetation present, the percent coverage of the vegetation, soil borings and location of the water table.

Section B: In addition to the information required in Section A above, all first full growing season monitoring reports must include the following information

- ☐ 1. A completed WETLAND MITIGATION PROJECT COMPLETION OF CONSTRUCTION FORM which certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished.
- ☐ 2. As built plans which depict final grade elevations at one foot contours. Submit a table listing the vegetative species and quantities of each that were planted including any grasses that may have been used for soil stabilization purposes. Any deviations from the approved mitigation plans must be highlighted and explained to the Program for review and approval.
- ☐ 3. Show on the as-built plans that the boundaries of the wetland mitigation area has been visibly marked with 3 inch white PVC pipe extending 4 feet above the ground surface. The stakes must remain on the site for the entire monitoring period.

- ☐ 4. Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983.
- ☐ 5. Document that the required amount of soil has been placed/replaced over the entire area of the mitigation site, provide a minimum of 6 soil profile descriptions to a depth of 20 inches. The location of each soil profile description should be depicted on the as built plan as well as provide the GPS waypoints in NJ state plane coordinates NAD 1983.
- ☐ 6. Submit soil test results demonstrating at least 8% organic carbon content (by weight) was incorporated into the A-horizon for sandy soil and for all other soil types 12% organic content or if manmade top soil was used it consisted of equal volumes of organic and mineral materials.
- ☐ 7. Document that the mitigation area has been posted with several permanent signs, which identify the site as a wetland mitigation project and that mowing, cutting, dumping and draining of the property is prohibited. The sign must also state the name of the permittee, LURP permit number along with a contact name and phone number.

Section C: In addition to the information required in Section A above, all monitoring reports except the final report must include the following information

- ☐ 1. Assessments of the planted vegetation as well as the species that are naturally colonizing the site. This assessment shall include the location and percent coverage of each species. The data should document that the site is progressing towards 85 percent survival and 85 percent area coverage of mitigation plantings or target hydrophytes (target hydrophytes are non-invasive native species to the area and similar to ones identified on the mitigation planting plan). If the proposed plant community is a scrub/shrub or a forested wetland the permittee must also demonstrate each year with data that the woody species are thriving, increasing in stem density and height each year. If the field data shows that the mitigation project is failing to meet the vegetation survival, coverage and health goals, the monitoring report should contain a discussion of steps that will be taken to rectify the problem, including a schedule of implementation.
- ☐ 2. Documentation demonstrating that the hydrologic regime specified in the mitigation proposal, which proves the mitigation site is a wetland, is present. The documentation shall include, as appropriate, monitoring well data, stream gauge data, photographs and/or field observation notes collected throughout the monitoring period. If there are problems with the mitigation project and it is anticipated the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed.
- ☐ 3. Documentation on the development of hydric soils across the mitigation site. Include description of soil borings and location they were collected.
- ☐ 4. Documentation of any invasive or noxious species colonizing the site and how they are being eliminated. The permittee is required to eliminate either through hand-pulling, application of a pesticide or other Department approved method any occurrence of an invasive/noxious species on the mitigation site during the monitoring period.
- ☐ 5. Documentation, based on field data, that the goals of the wetland mitigation project (including the transition area) as stated in the approved wetland mitigation proposal will be satisfied. If the permittee is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report along with a time frame in which they will be completed.

6. A narrative evaluating the success/failure of the site. If problems with the site are identified, the permittee is required to state actions that need to be taken which will permanently rectify the situation and a timeframe in which they are completed.

Section D: In addition to the information required in Section A above, all final monitoring reports must include the following information:

- ❑ 1. Documentation that demonstrate that the goals of the wetland mitigation project including acreage and the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. The permittee must submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows the exact acreage of State open waters, emergent, scrub/shrub and/or forested wetlands in the mitigation area. Submit a plan showing the flagged wetland delineation referenced above for review and approval by the Program. The wetland line must include global positioning system data points.
- ❑ 2. Documentation that the site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan. The permittee must also document that all plant species are healthy and thriving and if the proposed plant community contains trees demonstrate that the trees are at least five feet in height.
- ❑ 3. Documentation that the site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria montana* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergii* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose).
- ❑ 4. Documentation that the site contains hydric soils or there is evidence of reduction occurring in the soil.
- ❑ 5. Documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period.

Monitoring reports shall be submitted to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, New Jersey 08625-0439
Attn: Virginia Kop'Kash